

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LANSING DEFAYETTE,

Petitioner,

-v.-

Civil Action No.
9:05-cv-722 (GLS/DEP)

SUPERINTENDENT, MID-STATE
CORRECTIONAL FACILITY,

Respondent.

APPEARANCES:

OF COUNSEL:

FOR THE PETITIONER:

LANSING DEFAYETTE
Plaintiff Pro Se
63A Montcalm Avenue
Plattsburgh, New York 12901

FOR THE DEFENDANT:

HON. ANDREW M. CUOMO
Attorney General for the State
of New York
Attorney for Respondent
120 Broadway
New York, New York 10271

MALANCHA CHANDA
Assistant Attorney General

GARY L. SHARPE,
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge David E. Peebles, duly filed November 29, 2007 and resent to the petitioner on February 9, 2008 (See *February 8, 2008 Text Only Order*). Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

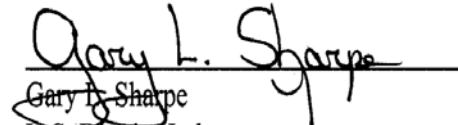
ORDERED, that the Report-Recommendation of Magistrate Judge David E. Peebles filed November 29, 2007 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that the petition in this matter is DENIED and DISMISSED in all respects, and it is further

ORDERED, that the Clerk of the Court is to enter judgment in favor of the Respondent and close this case.

IT IS SO ORDERED

Dated: March 19, 2008
Albany, New York



Gary L. Sharpe
U.S. District Judge